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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,541	11/07/2005	Tobias Reiss-Schmidt	101769-299	3969

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NEW YORK, NY 10022

EXAMINER

RAMSEY, JEREMY C

ART UNIT	PAPER NUMBER
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3609

MAIL DATE	DELIVERY MODE
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08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,541

Applicant(s)

REISS-SCHMIDT, TOBIAS

Examiner

Jeremy C. Ramsey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>21 MAR 05 and 11 APR 05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of a certified copy of the German Patent Application No. 10202256.9 referred to in the oath or declaration or in an application data sheet. If this copy is being filed to obtain the benefits of the foreign filing date under 35 U.S.C. 119(a)-(d), applicant should also file a claim for such priority as required by 35 U.S.C. 119(b). If the application being examined is an original application filed under 35 U.S.C. 111(a) (other than a design application) on or after November 29, 2000, the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. See 37 CFR 1.55(a)(1)(i). If the application being examined has entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and Regulations of the PCT. See 37 CFR 1.55(a)(1)(ii). Any claim for priority under 35 U.S.C. 119(a)-(d) or (f) or 365(a) or (b) not presented within the time period set forth in 37 CFR 1.55(a)(1) is considered to have been waived. If a claim for foreign priority is presented after the time period set forth in 37 CFR 1.55(a)(1), the claim may be accepted if the claim properly identifies the prior foreign application and is accompanied by a grantable petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55(c).

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Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 03/21/2005 and 04/11/2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Specification

4. The abstract of the disclosure is objected to because of the following informality: Line 3 reads "above the opening o the building". The examiner presumes this should read --above the opening to the building--. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 8-9, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schellenberg German Patent No. DE 200 08 438 in view of Magdars et al U.S. Patent No. 4,821,370.

7. In re claim 8, with reference to Figure 1, Schellenberg '438 discloses a pollen or insect screen comprising:

- At least five substantially parallel screen strips (12) mounted.

Schellenberg '438 fails to disclose:

- A rail comprising at least three substantially parallel guides extending in a longitudinal direction.
- The strips movably mounted in the guides.

8. With reference to Figure 1, Magdars et al '370 discloses:

- A rail (12) comprising at least three substantially parallel guides (34) extending in a longitudinal direction.
- The strips (not shown) movably mounted in the guides (34). (column 1, lines 19-20)

9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pollen and insect screen of Schellenberg '438 to include the rail with parallel guides as taught by Magdars et al '370 in order to provide a means to suspend and move hanging members. (column 1, lines 19-24)

10. In re claim 9, with reference to Figure 1, Magdars et al '370 discloses:

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- Each of said guides (34) extends substantially the entire length of the rail (12), and at least one strip (not shown) is received in the guide (34) in such a way that the strip is slidable substantially the entire length.

11. In re claims 17-19, the pollen or insect screen for windows and doors comprising a rail with three parallel guides and five substantially parallel screen strips moveably mounted on the guides, as taught by Schellenberg '438 in view of Magdars et al '370 can inherently be used by the process disclosed in the method claims when the device is used in normal and usual operation. See *MPEP 2112.02*.

12. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schellenberg German Patent No. DE 200 08 438 and Magdars et al U.S. Patent No. 4,821,370 as applied to claims 8-10 and further in view of Beiersdorf German Patent No. DE 19647451.

13. In re claim 10, with reference to Figures 1 and 4, Magdars '370 discloses:

- Wherein the rail (12) is fixed to a substrate (48) above an opening, and said rail (12) is fixed by means of bolts (58), fastening tapes, double-sided adhesive strips.

Magdars '370 fails to disclose:

- Fastening devices (40) having a recess into which the rail can be hung.

14. With reference to Figure 1, Beiersdorf '451 discloses:

- Fastening devices (1)(2) having a recess (area between (2) and wall (6)) into which the rail can be hung.

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15. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pollen and insect screen of Schellenberg/Magdars to include the fastening devices having a recess to hang the rail as taught by Beiersdorf '451 in order to hold the screen tightly and prevent insects from coming through openings.

16. In re claim 11, Beiersdorf '451 discloses:

- Wherein fastening devices comprise a bottom plate (2) comprising said recess (area between (2) and wall (6)).
- Said bottom plate (2) is emplaced on a base plate (1)
- The base plate (1) is adhered to the substrate (6) by an adhesive strip (5).

17. In re claim 12, Beiersdorf '451 discloses:

- Wherein the adhesive strip (5) is a stretch release adhesive strip (5).
(Given by reference to German Patent No. DE 3331016)

18. In re claim 13, Beiersdorf '451 discloses:

- Wherein the rail, the bottom plate and/or the base plate is made of plastic, wood, glass, metal or Eloxal.

19. In re claim 14, Beiersdorf '451 discloses:

- Wherein the rail, bottom plate and/or the base plate is made of a material selected from the group consisting of polyolefin, polyethylene terephthalate, polystyrene, ABS, polyester, polyamide, PMMA, polycarbonate, PVC and Resopal.

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20. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schellenberg German Patent No. DE 200 08 438 and Magdars et al U.S. Patent No. 4,821,370 as applied to claims 8-10 and further in view of Wiele U.S. Patent No. 3,852,848.

21. In re claim 15, the screen of Schellenberg/Magdars has been discussed above and disclose:

- Wherein the guides (34) are slots.

Schellenberg/Magdars fail to disclose:

- The slots receive a thickened part of a free end of each screen strip.

22. With reference to Figure 1, Wiele '848 discloses:

- The slots (17) receive a thickened part (13)(14) of a free end of each screen strip (12).

23. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the screen of Schellenberg/Magdars to include a thickened part of the screen strip to be received by the guide slots as taught by Wiele '848 in order to permit easy insertion into the channel that will also be prevented from slipping out of the area. (column 1, lines 61-67)

24. In re claim 16, with reference to Figure 1, Magdars et al '370 discloses:

- At least part of a wall (18)(20)(22)(24) of at least one slot comprises a lip-shaped part (26)(28)(30)(32).

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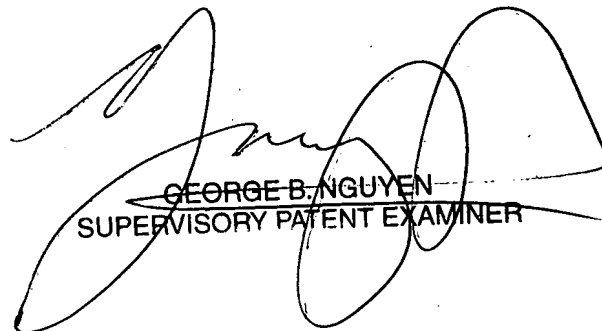
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy C. Ramsey whose telephone number is 571-270-3133. The examiner can normally be reached on Monday-Friday 7:30 am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JCR


GEORGE B. NGUYEN
SUPERVISORY PATENT EXAMINER